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ATTORNEY FOR TD BANK, N.A., SUCCESSOR IN INTEREST TO TD AUTO FINANCE LLC

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

IN RE:	§	
	§	
BYRON WALKER,	§	CASE NO. 25-40278-MXM-13
DEBTOR.	§	
	§	Confirmation set:
	§	<b>NOT YET SET</b>

**OBJECTION TO CONFIRMATION**

TO THE HONORABLE U.S. BANKRUPTCY JUDGE:

COMES NOW, TD Bank, N.A., successor in interest to TD Auto Finance LLC ("TD Bank" or "Creditor"), objecting to the confirmation of the Chapter 13 Plan proposed by Byron Walker ("Debtor") and for cause of action would respectfully show the Court as follows:

1. Creditor has a perfected purchase money security interest in a 2023 Dodge Ram 2500, Vehicle Identification Number 3C6UR5CL2PG569312. As of the date of filing, Creditor was owed \$58,431.66.

2. Creditor also has a perfected purchase money security interest in a 2023 Dodge Ram 2500, Vehicle Identification Number 3C6UR5CL4PG569313. As of the date of filing, Creditor was owed \$44,113.98.

**WITH REGARD TO THE 2023 DODGE RAM 2500, VIN ENDING IN 9312**

3. The contract between Creditor and the Debtor was signed on April 10, 2023. Creditor has a purchase money security interest in the vehicle described herein which secures its claim. The debt was incurred within 910 days preceding the filing of the bankruptcy petition and the collateral for the debt is a motor vehicle acquired for the personal use of the Debtor. Therefore, pursuant to the provisions of the Hanging Paragraph following 11 U.S.C. §1325(a)(9), the claim owed to Creditor is not subject to cram-down pursuant to 11 U.S.C. §506. Creditor's claim at the time of filing must be paid in full.

4. In the alternative, and without waiver of the foregoing, Debtor's value is too low. The clean retail value is \$50,775.00. A true and correct copy of the JD Power valuation guide is attached hereto as an Exhibit and incorporated herein by reference.

5. Debtor alleges that the vehicle has "more depreciation than is typical". Debtor's Plan and Authorization for Adequate Protection Disbursements provide for lower depreciation than set forth in the Standing Order. Adequate protection per the Standing Order must be at least \$634.69. As Debtor is alleging that the vehicle is depreciating considerably quicker than normal, Debtor must provide for sufficient payments to cover the alleged increased depreciation.

**WITH REGARD TO THE 2023 DODGE RAM 2500, VIN ENDING IN 9313**

6. The contract between Creditor and the Debtor was signed on April 26, 2023. Creditor has a purchase money security interest in the vehicle described herein which secures its claim. The debt was incurred within 910 days preceding the filing of the bankruptcy petition and the collateral for the debt is a motor vehicle acquired for the personal use of the Debtor. Therefore, pursuant to the provisions of the Hanging Paragraph following 11 U.S.C. §1325(a)(9), the claim owed to Creditor is not subject to cram-down pursuant to 11 U.S.C. §506. Creditor's claim at the time of filing must be paid in full.

7. In the alternative, and without waiver of the foregoing, Debtor's value is too low. The clean retail value is \$50,775.00. A true and correct copy of the JD Power valuation guide is attached hereto as an Exhibit and incorporated herein by reference.

8. Debtor alleges that the vehicle has "more depreciation than is typical". Debtor's Plan and Authorization for Adequate Protection Disbursements provide for lower depreciation than set forth in the Standing Order. Adequate protection per the Standing Order must be at least \$634.69. As Debtor is alleging that the vehicle is depreciating considerably quicker than normal, Debtor must provide for sufficient payments to cover the alleged increased depreciation.

**WITH REGARD TO BOTH VEHICLES**

9. Creditor is entitled to an interest rate that is equal to prime at confirmation increased by an additional risk factor which is reflective of the risk of non-payment and interest is payable immediately once the Plan is confirmed.

10. Creditor is entitled to set and equal monthly payments pursuant to 11 U.S.C. §1325(a)(5)(B)(iii)(I), beginning as of the effective date of the Chapter 13 Plan. "Average" payments, "pro-rata" payments, variable payments and/or step payments that begin in any month other than month one contravenes 11 U.S.C. § 1325(a)(5)(B)(iii)(I) which requires equal and set monthly payments to the Creditor beginning in month one of the Chapter 13 Plan, which is defined as the first month payment is due to the Trustee pursuant to 11 U.S.C. §1326 (a)(1).

WHEREFORE, PREMISES CONSIDERED, Creditor prays for an Order of this Court:

1. Denying confirmation of Debtor's Chapter 13 Plan as proposed; and
2. For such other and further relief, both general and specific, to which Creditor may show itself justly entitled.

Respectfully submitted,

/s/ Stephen G. Wilcox

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ATTORNEY FOR TD BANK, N.A.,

SUCCESSOR IN INTEREST TO

TD AUTO FINANCE LLC

#### **CERTIFICATE OF CONFERENCE**

I, the undersigned, hereby certify that prior to the filing of this Objection, I did the following:  
My office contacted Debtor's attorney and was advised there was opposition to the Objection.

/s/ Stephen G. Wilcox

Stephen G. Wilcox

#### **CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the foregoing Objection to Confirmation was served by FIRST CLASS MAIL, POSTAGE PRE-PAID on:

Byron Walker  
1206 Delmarva Court  
Granbury, TX 76048

and ELECTRONICALLY SERVED on:

Eric Maskell  
Allmand Law Firm, PLLC  
860 Airport Frwy., Suite 401  
Hurst, TX 76054

Pam Bassel  
860 Airport Frwy., Suite 150  
Hurst, TX 76054

Office of the U.S. Trustee  
1100 Commerce, Room 976  
Dallas, Texas 75242

Dated on February 26, 2025.

/s/ Stephen G. Wilcox  
Stephen G. Wilcox

953-03937-603772